

## UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Rex Dale Phelps

Case: 2:23-mj-30087

Case No. Assigned To : Unassigned

Assign. Date : 3/3/2023

USA V. PHELPS (CMP)(CMC)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 16, 2023 - February 8, 2023 in the county of Macomb and elsewhere in the  
Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 2244(a)(3) -	abusive sexual contact with a minor

This criminal complaint is based on these facts:  
 see attached affidavit.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence  
 and/or by reliable electronic means.

Date: March 3, 2023

City and state: Detroit, Michigan

  
 Complainant's signature

Matthew R. Hughes, Special Agent (FBI)  
 Printed name and title

  
 Judge's signature

Hon. Kimberly G. Altman, United States Magistrate Judge  
 Printed name and title

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR COMPLAINT  
AND ARREST WARRANT**

I, Matthew R. Hughes, a Special Agent with the Federal Bureau of Investigation, being duly sworn, depose and state as follows:

**I. INTRODUCTION**

1. I have been employed as a Special Agent of the FBI since October 2019 and am currently assigned to the FBI Detroit Division. While employed by the FBI, I have investigated federal criminal violations related to Internet fraud, computer intrusions, and the FBI's Innocent Images National Initiative, which investigates matters involving the online sexual exploitation of children. I have gained experience through training at the FBI Academy, post Academy training, and everyday work related to conducting these types of investigations.

2. I have received training in the area of child pornography and child exploitation. Moreover, I am a federal law enforcement officer who is engaged in enforcing criminal laws, including 18 U.S.C. § 2244. I am authorized by law to request an arrest warrant.

3. This affidavit is made in support of an application for a criminal complaint and arrest warrant for **Rex Dale Phelps** (date of birth \*\*/\*\*/1952) for violating 18 U.S.C. § 2244(a)(3) (Abusive sexual contact in a special jurisdiction). The applicable jurisdiction in question in this matter is special aircraft jurisdiction.

4. 49 U.S.C. § 46501 states that an aircraft is in the special aircraft jurisdiction of the United States only while the aircraft is “in flight”. Any civil aircraft of the United States is included in the jurisdiction. Any civil aircraft is any aircraft registered under Chapter 441 of the United States Code. Nearly every aircraft requires such registration, with no exception applicable here. “In flight” is defined as from the moment when all external doors are closed following embarkation until the moment when one such door is opened for disembarkation.

5. I believe that within that jurisdiction, between January 16, 2023 and February 8, 2023, Phelps violated 18 U.S.C. § 2244(a)(3), which is violated when a person knowingly engages in sexual contact with a person who has reached at least 12 years of age but has not reached 16 years of age and they are more than four years older than that person. As Phelps is 71 years old and MV1 is 15 years old, that requirement is fulfilled here.

6. “Sexual Contact” is defined in 18 U.S.C. § 2246(3) as the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person. As related below, Phelps’ touched MV1 while “in flight” on her inner thigh and her genitals.

7. On or about March 1, 2023, Michigan State police received a tip that Phelps was engaged in sexual contact with a minor. The complainant stated that she

received a text message from Phelps with several pictures attached to the message. One of the pictures was a screen capture of a text conversation between Phelps and a minor female (MV1). Phelps sent MV1 a picture of a male and female lying on a bed kissing and stated “Shortly after the shower.... without that top. Maybe more.”

8. MV1 and her parents were interviewed by Michigan State Police. Phelps is the President of a flight club at the Ray Community Airport in Ray Township, Macomb County, Michigan.

9. MV1 provided a written statement to Michigan State Police. MV1 stated that Phelps has flown MV1 to locations around Michigan.

10. MV1 stated that on January 14, 2023 Phelps flew MV1 to Frankenmuth, MI and while in Frankenmuth Phelps kissed her for the first time.

11. According to MV1’s written statement, in late January 2023, Phelps exposed and grabbed MV1’s breasts in the airplane hangar in Ray Township.

12. MV1 stated Phelps often questioned MV1 about her sexual activities and asked her if she ever put anything in her vagina.

13. MV1 stated that Phelps instructed her to delete her text messages so that no one would read them.

14. MV1 stated that Phelps would repeatedly tell her “I hope I’m not grooming you.”

15. MV1 stated that on January 16<sup>th</sup>, 2023 Phelps kissed MV1 multiple times in the air, which caused the aircraft to turn off course. MV1 stated that this would be shown on the flight path of the aircraft.

16. In her written statement, MV1 stated that during multiple flights between January 16, 2023 to February 8, 2023, Phelps placed his hand on MV1's leg and moved it higher each time they flew together.

17. MV1 was interviewed by a child and forensic interviewer on March 1, 2023. MV1 stated that Phelps touched her vaginal area, or groin, over her clothes while they were aboard the aircraft in flight.

18. A review of MV1's phone showed deleted text messages exchanged between Phelps and MV1. Phelps and MV1 discuss being in love and Phelps told MV1 to "stick to the story."

19. On March 1, 2023, Michigan State Police executed a search warrant on the residence of Rex Phelps and the airplane hangar in Ray Township, Michigan.

20. Phelps was detained and interviewed by Michigan State Police. During the interview, Phelps stated that he touched MV-1's inner thigh over her clothes while aboard the aircraft in flight. He denied touching her vagina over her clothes.

21. Phelps stated that he planned to have sex with MV1 when she turned 16. Phelps had planned to have MV1 come to his house in May while his wife was out of town to have sex with her.

22. In summary, Phelps admitted to touching the inner thigh of MV1 in a sexual manner while aboard an aircraft in the special territorial jurisdiction of the United States. MV1 stated that he touched her vaginal area in a sexual manner while aboard an aircraft in the special territorial jurisdiction of the United States. Phelps's touching of MV1 violated 18 U.S.C. § 2244(a)(3).

23. The statements contained in this affidavit are based in part on information provided by U.S. federal law enforcement agents, written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents/officers, information gathered from investigative sources of information, and my experience, training and background as a Special Agent. Because this affidavit is being submitted for the limited purpose of securing authorization for the requested arrest warrant, I have not included each and every fact known to me concerning this investigation. Instead, I have set forth only the facts that I believe are necessary to establish probable cause that **Phelps** has violated 18 U.S.C. § 2244(a)(3) (Abusive sexual contact in a special jurisdiction).

## II. CONCLUSION

24. Based on the foregoing, there is probable cause to believe **Rex Dale Phelps** has violated 18 U.S.C. § 2244(a)(3) (Abusive sexual contact in a special jurisdiction).

Respectfully submitted,



Matthew R. Hughes, Special Agent  
Federal Bureau of Investigation

Sworn to before me and signed in my presence  
And/or by reliable electronic means.



HON. KIMBERLY G. ALTMAN  
UNITED STATES MAGISTRATE JUDGE

Date: March 3, 2023